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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,941	01/07/2004	Dac-Sik Oh	2428	5516
28005	7590	12/14/2007		
SPRINT			EXAMINER	
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OVERLAND PARK, KS 66251-2100			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			12/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 10/753,941	Applicant(s) OH ET AL.	
	Examiner Bobbak Safaipoor	Art Unit 2618	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 06 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expire 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) ~~as set forth in~~ (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: \_\_\_\_\_.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that Schmutz does not involve selecting an active set of one or more frequency bandwidths based on a comparison of one or more attributes of the received wireless signal with a reference list that includes one or more preferred frequency bandwidths. The Examiner respectfully disagrees. As mentioned in the final action, Schmutz discloses that the BTS transmits a transmission list (read as reference list) including the designated groundlink and/or backhaul frequencies to the translating repeater. The requesting translating repeater can be determined from the transmission list (figure 6; paragraph 61). A short burst is transmitted by the repeater acknowledging that the repeater is online and waiting directions as to the appropriate frequency channels to which the repeater should set (read as store) its groundlink and/or backhaul frequencies. The translating repeater may continue to operate at the designated frequencies until it is determined such frequencies should be changed. (figure 6; paragraph 55) For example, if there is a change in the frequency allocation plan for the frequency spectrum in which the groundlink and/or backhaul channels of the translating repeater are situated, it may become necessary to reconfigure (read as compare determined attributes) the groundlink and/or backhaul channels of affected translating repeaters. (figure 6; paragraph 63) The recited claim language only states comparing the one or more attributes of the wireless signal from the base transceiver station with the reference list. Schmutz discloses a transmission lists (read as a reference list) that includes the groundlink and/or backhaul frequencies to the translating repeater. Further, as described above, Schmutz discloses reconfiguring the groundlink and/or backhaul channels of affected translating repeaters. This reconfiguring occurs if there is a change in the frequency allocation plan, in other words comparing the attributes. Furthermore, as describe in the final office action, Schmutz discloses frequency translation of signals by a repeater received from the BTS through the backhaul channel. (figure 4, paragraph 41 -45) Due to the broadness of the claim language, the recited claim language is given the broadest reasonable interpretation. Therefore, the "attributes of a wireless signal" of the claim is shown in the Schmutz reference in several ways. Schmutz discloses a signal that is received from BTS at translator directional antenna attached to backhaul transceiver. The signal is mixed down to IF. The A/D converter converts the analog IF signal (one example of "an attribute of the wireless signal") to a digital signal where it is processed by the digital downconverter to complex base band. Once converted into complex baseband, the signal is demodulated by the DSP 42B and transferred to DSP 42A. The signal is then re-modulated by DSP 42A and translated from complex baseband to real IF by digital upconverter 40A (another example of "an attribute of the wireless signal"). After the signal is translated to real IF, the DA converter 38A converts the signal back to an analog signal (another example of "an attribute of the wireless signal"). (paragraphs 41 -46) Furthermore, Schmutz discloses that the repeater can scan the various frequency channels supported by BTS to identify an available access channel (i.e. detect one or more attributes of a wireless signal received from a BTS) to transmit the configuration request. (figure 6; paragraph 54). The recited claim language is given the broadest reasonable interpretation. As a result, the argued features are written such that they read upon the cited references; therefore, the previous rejection still applies.

*By*  
*Boobak Sataipour*  
*12/10/07*

*Lana L. E.*  
*12-10-07*

LANA LE  
 PRIMARY EXAMINER